IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v. Criminal No. 1:13CR17

(Judge Keeley)

CHARLES ADKINS,

Defendant.

UNITED STATES' RESPONSE TO DEFENDANT'S PRO SE MOTION TO CONTINUE JURY SELECTION AND TRIAL

Now comes the United States of America, and United States Attorney, William J. Ihlenfeld, II, by Assistant United States Attorney Shawn Angus Morgan, and files this response to defendant's *pro se* motion to continue jury selection and trial [Docket # 203].

Defendant's *pro se* interlocutory appeal in the case remains pending before the Fourth Circuit Court of Appeals due to the filing of defendant's petition for rehearing. On January 2, 2014, the appellate court entered an Order staying issuance of the mandate pending a decision on the petition for hearing. Defendant's case remains pending on appeal; accordingly, defendant's motion should be denied as premature.

Respectfully submitted,

WILLIAM J. IHLENFELD, II UNITED STATES ATTORNEY

By: /s/ Shawn Angus Morgan

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CERTIFICATE OF SERVICE

I, Shawn Angus Morgan, Assistant United States Attorney for the Northern District of West Virginia, hereby certify that the foregoing UNITED STATES' RESPONSE TO DEFENDANT'S *PRO SE* MOTION TO CONTINUE JURY SELECTION AND TRIAL was served on January 28, 2014 upon the following via CM/ECF: Thomas Dyer, standby counsel for defendant and was served upon the *pro se* defendant via United States mail addressed to:

Charles Adkins Inmate # 2578011 North Central Regional Jail #1 Lois Lane Greenwood, WV 26415

> WILLIAM J. IHLENFELD, II UNITED STATES ATTORNEY

By: /s/ Shawn Angus Morgan
Shawn Angus Morgan
Assistant U. S. Attorney